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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	No. 07-00138 SBA
	)	
Plaintiff,	)	
	)	STIPULATION AND ORDER TO
v.	)	CONTINUE HEARING DATE
	)	
MOISES GUTIERREZ-HERNANDEZ	)	Date: March 20, 2007
(aka Alejandro Bardales-Mendoza),	)	Time: 9:00 a.m.
	)	Court: Hon. Saundra Brown Armstrong
Defendant.	)	U.S. District Court

This matter is currently set on the court's calendar for status on Tuesday, March 20, 2007, at 9:00 a.m. At this time, the government has provided discovery and has also presented defendant with a proposed plea agreement. The parties jointly request and stipulate that the status hearing currently set for March 20, 2007, be continued one week until March 27, 2007, at 9:00 a.m., to afford defendant additional time to review the discovery, undertake appropriate investigation, and also to consider the government's proposed plea offer. The parties further request that the time between March 20 and March 27, 2007, be excluded from calculations under the Speedy Trial Act, 18 U.S.C. §3161(h)(8)(A) and (B)(iv), as time required by counsel to review the discovery and conduct relevant investigation.

For these reasons, the parties request that the Court find that a continuance is appropriate and order that this period of time should be excluded under the Speedy Trial Act, 18 U.S.C. §3161(h)(8)(A) and (B)(iv), because the continuance is necessary to provide defendant with the

reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

SO STIPULATED.

DATED: March 19, 2007

/s/

CHINHAYI COLEMAN  
Assistant U.S. Attorney

SO STIPULATED.

DATED: March 19, 2007

/s/

HILARY FOX  
Attorney for Defendant Moises Gutierrez-  
Hernandez

I hereby attest that I have on file all holograph signatures indicated by a "conformed" signature ("S") within this efiled document.

ORDER

Based on the reasons provided in the stipulation of the parties above, the Court hereby FINDS that the ends of justice served by granting of the requested continuance outweigh the best interests of the public and the defendant in a speedy trial, and that the failure to grant the requested continuance would deny defendant Gutierrez-Hernandez the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. §3161(h)(8)(A) & (B)(iv).

Based on these findings, IT IS HEREBY ORDERED THAT the hearing that is currently scheduled for March 20, 2007, shall be continued to March 27, 2007, and that the time from March 20 through March 27, 2007, shall be excluded for purposes of the Speedy Trial Act, 18 U.S.C. §3161(h)(8)(A) and (B)(iv).

IT IS SO ORDERED.

Dated: March 20, 2007

  
SAUNDRA BROWN ARMSTRONG  
United States District Court